

HOUSE BILL 3100
By Burchett

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 14, Part 2; Title 44, Chapter 17, Part 3 and Title 68, Chapter 8, Part 1, relative to animals.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 44-17-303, is amended by deleting subdivision (2) in its entirety and by substituting instead the following language:

(2) For puppies and kittens under four (4) months of age, sodium pentobarbital or other indictable barbiturates may be used;

SECTION 2. Tennessee Code Annotated, Section 44-17-303, is amended by deleting subdivision (5) in its entirety and by substituting instead the following language:

(5) By sodium pentobarbital or other injectable barbiturates; and

SECTION 3. Tennessee Code Annotated, Section 44-17-304, is amended by deleting the first sentence in its entirety and by substituting instead the following language:

The construction and use of carbon monoxide chambers shall conform to the recommendations of the American Humane Association, the American Veterinary Medical Association or the Humane Society of the United States.

SECTION 4. Tennessee Code Annotated, Section 44-17-305, is deleted in its entirety.

SECTION 5. Tennessee Code Annotated, Section 68-8-109, is amended by deleting the section in its entirety and by substituting instead the following language:

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68-8-109. (a) Any dog found running at large may be seized by the proper health authorities, a peace officer, or an animal control officer, and placed in a shelter or facility as is defined in § 44-17-302 in cities or counties where such shelter or facility is available. If such a dog which has been seized is found to be infected with rabies, the dog shall be destroyed.

(b) If a dog which has been seized as described in subsection (a) above is wearing a tag, the owner shall be notified by a postcard addressed to the owner's last-known mailing address to appear within five (5) days and redeem the dog by paying a pound fee established by local authorities, or the dog may be destroyed. If such a dog is found not to be infected with rabies and if the dog's owner does not appear to redeem the dog within five (5) days, the dog shall become the property of the shelter or facility, and may be destroyed, adopted, sold, or otherwise humanely disposed of by the shelter or facility within its discretion.

(c) If a dog which has been seized as described in subsection (a) above is not wearing a tag, the dog shall become the property of the shelter or facility unless legally claimed by its owner within two (2) days. Such dogs may be destroyed, adopted, sold, or otherwise humanely disposed of by the shelter or facility within its discretion.

SECTION 6. Tennessee Code Annotated, Section 39-14-210, is amended by deleting subsection (c) in its entirety and by substituting instead the following language:

(c) When any animal comes into the possession of such society as a result of cruelty, through abandonment, or otherwise:

(1) Any agent or officer of such society may lawfully destroy such animal, or cause it to be destroyed, if such animal is not properly cared for, appearing, in the judgment of a licensed veterinarian or two (2) reputable citizens, who are experts, called to view such animal in the agent or officer's

presence, to be glandered, injured, diseased, or otherwise harmed past humane recovery; or

(2) After a holding period of not less than seventy-two (72) hours and after having made a reasonable effort to locate and notify the owners, such animal shall become the property of such society, and may be lawfully destroyed for the purpose of animal population control, or may be adopted, sold, or otherwise humanely disposed of by such society within its discretion.

SECTION 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 8. This act shall take effect July 1, 1998, the public welfare requiring it.